

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PA ADVISORS, LLC,	§	
	§	
	§	
Plaintiff,	§	Civil Action No. 2:07-cv-480-DF
v.	§	
	§	
GOOGLE, INC., et al.,	§	JURY TRIAL DEMANDED
	§	
Defendants.	§	
	§	

**nXn TECH, LLC'S NOTICE OF EMERGENCY REQUEST FOR HEARING ON
YAHOO!, INC.'S MOTION TO MODIFY THE PROTECTIVE ORDER
AND nXn's OPPOSITION TO YAHOO'S MOTION**

COMES NOW Plaintiff nXn Tech, LLC (formerly known as PA Advisors LLC, “nXn”) and notifies the Court that it has, in its Response to Yahoo's Motion to Modify The Protective Order (which is accompanied by a motion for leave), included a request for a hearing on the motions, if necessary, on an expedited basis. Good cause exists for expedited relief to ensure nXn is not prejudiced in obtaining, in the most efficient way possible, the required source code from Yahoo.

Time is now of the essence in this regard. nXn's final infringement contentions are due on November 30, 2009. Yet Yahoo seeks, after months of Yahoo's inactivity in complying with its obligations to produce source code, to modify the Protective Order that has been in place since October 2008. It seeks a modification that adds more time to the process and creates inefficiency in producing source code to nXn. Such inefficiencies cannot be tolerated at this time, when Yahoo did not produce any source code at all until September 24, 2009—and produced its first substantial amount of source code on Wednesday November 4, 2009. Although Yahoo just moved for relief, it has been engaging in self-help by refusing

to provide a printer to nXn, as required by the protective order. Yahoo's refusal has prejudiced nXn and must cease immediately. nXn requires as much time as possible to analyze the source code to meet the November 30, 2009 deadline for its final infringement contentions.

Dated: November 6, 2009

Respectfully submitted,

By: /s/ Andrew D. Weiss

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CERTIFICATE OF SERVICE

I certify that counsel of record who are deemed to have consented to electronic service are being served this 6th day of November, 2009, with a copy of this document via the Court's CM/ECF systems per Local Rule CV-5(a)(3). Any other counsel will be served electronic mail, facsimile, overnight delivery and/or First Class Mail on this date.

\s\ Andrew D. Weiss